IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 1334 of 2004(H)

PETITIONER:
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1. K.UDAYABHANU, VALUPARAMBIL
VALANJAVATTOM, KADAPRA, THIRUVALLA.

2. A.S.BIJU, ERATHU KIZHAKKATHIL,
ELANTHEER P.O., PATHANAMTHITTA.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD
SRI.K.K.RAJEEV

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, LABOUR AND REHABILITATION DEPARTMENT,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. THE WELFARE FUND INSPECTOR, TODDY
WORKERS WELFARE FUND, ALAPPUZHA.

3. THE TAHSILDAR (RR), PATHANAMTHITTA.

4. K.N.PREMANANDAN, KURATHU PARAMBIL,
CHETIKKADU MURI, PATHIRAPPALLY, AMBALAPPUZHA.

5. K.BHANUDASAN, ARADHANA, SANDANAM,
PUNNAPRA, AMBALAPUZHA, ALAPPUZHA DISTRICT.

6. S.RAJAN, SREE BHAVANAM
KAMANA MURI, AMBALAPUZHA, ALAPPUZHA.

BY ADV. SRI.K.HARILAL SC
GOVT.PLEADER SRI. MANOJ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/07/2007, ALONG WITH WPC NO.9303 OF 2004 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No.1334/2004

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF AGREEMENT DT. 5-4-2000

EXT.P2. COPY OF LETTER WRITTEN BY DTHE 2ND RESPONDENT TO THE 3RD RESPONDENT DT. 17-7-2001.

EXT.P3. COPY OF REPRESENTATION FILED BY RESPONDENTS 4 & 5 TO THE 3RD RESPONDENT DT. 31-1-2001

EXT.P4. COPY OF REVENUE RECOVERY NOTICE NO.B.14/12/01/TWWF DT. 22-9-2001

EXT.P5. COPY OF LETTER OF 2ND RESPONDENT DT. 19-11-2001

EXT.P6. COPY OF RECEIPT ISSUED BY TAHSILDAR, THIRUVALLA DT. 27-12-2001

EXT.P7. COPY OF JUDGMENT DT. 29-1-2002 IN O.P.NO.36008/2001

EXT.P8. COPY OF RECEIPT DT. 14-2-2002

EXT.P9. COPY OF REVENUE RECOVERY NOTICE DT. 5-5-2003.

EXT.P10. COPY OF -DO- DT.5-5-2003

EXT.P11. COPY OF REPRESENTATION DT. 11-6-03.

EXT.P12. COPY OF JUDGMENT DT. 21-7-03 IN W.P(C)NO.18806/03

EXT.P13.(a) COPY OF RECEIPT DT. 30-8-03

EXT.P13 (b) -DO- DT.29-9-03

EXT.P13(c) -DO- DT.30-10-03

EXT.P13(d) -DO- DT. 28-11-03

EXT.P13(e) -DO- DT. 30-12-03

EXT.P14. COPY OF REVENUE RECOVERY NOTICE DT. 7-7-03, TO THE 1ST PETITIONER.

EXT.P15. COPY OF -DO- -DO- DT. 18-12-03.

EXT.P16. COPY OF -DO- -DO- DT. 18-12-03

EXT.P17. COPY OF -DO- -DO- DT. 18-12-03

EXT.P18. COPY OF -DO- -DO- DT. 24-12-03

EXT.P19. COPY OF REVENUE RECOVERY NOTICE DT. 8-12-03 TO THE 2ND PETITIONER.

EXT.P20. COPY OF -DO- -DO- DT. 10-12-03

EXT.P21. COPY OF -DO- -DO- DT. 29-12-03

EXT.P22. COPY OF -DO- -DO- DT. 29-12-03.

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH, J.

W.P(C)Nos. 1334 & 9303 of 2004

Dated this the 30th day of July, 2007

JUDGMENT

Petitioners approached this court with certain grievances regarding the recovery steps initiated against them in the matter of collection of arrears to the Toddy Workers Welfare Fund. It is the main case of the petitioners that others involved in the business are not proceeded against. In view of the judgment of this court in Johny v. Welfare Fund Inspector, 2007(2) KLT SN 49 (Case No.67) internal arrangement between the licensee and others is not a matter for some of the petitioners to escape from the liability to pay the contribution. Therefore, there is no merit in the writ petitions. They are accordingly dismissed making it clear that it will be open to the petitioners to proceed against the party respondents as per the agreement in appropriate proceedings.

(KURIAN JOSEPH, JUDGE)

ahg.